

### **REMARKS/ARGUMENTS**

Applicant appreciates the courtesy extended to Attorneys Mickney and Abrams by Examiner Jeffery during the telephone interview conducted on March 30, 2004, and hereby incorporate the matters discussed at the interview. The amendment to independent claim 1 was discussed, and Examiner Jeffery agreed that amended claim 1 distinguishes claim 1 from the cited prior art and is allowable.

Claims 1 – 10, 17 – 34 and 45 – 51 and 73 - 87 are currently pending in the application, with claims 1, 17, 26, 45 and 76 being independent. Claim 1 is amended, and claims 86 and 87, which depend from claim 1, are added.

Claim 1 is amended to recite that the at least one fastener is adapted to prevent substantial movement of the heating element when supplying the heating element with power. Support for the amendment to claim 1 is found throughout the specification, for example in paragraph [0008].

### **CLAIM REJECTIONS**

Claims 1, 3 - 10 and 73 – 75 are rejected under either 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a) based solely or in part on U.S. Patent 4,622,087 to Ansell (“the Ansell patent”). Applicant respectfully traverses this rejection.

Amended independent claim 1 recites an assembly for making an electrofusion weld joint having a meltable member, at least one fastener, a heating element secured to the meltable member by the at least one fastener, at least a portion of the at least one fastener is between an inner surface and an outer surface of the meltable member, and the at least one fastener being adapted to prevent substantial movement of the heating element when supplying the heating element with power.

The Ansell patent clearly does not disclose, teach or suggest all the limitations of claims 1, 3 - 10 and 73 – 75.

The Ansell patent discloses a meltable member (pipe coupling 1), a heating element 5 and a fastener, as shown in FIGS. 1 and 2. Examiner Jeffery indicated during the interview that he considers the fastener in the Ansell patent to be the cavity 8 in the inner wall 2 of the pipe coupling, which cavity is formed when a helical groove is cut in the inner wall. The flaps 4 that are also formed by the cut, are pressed back toward the inner wall 2 of the pipe

coupling 1 once the heating element 5 has been inserted in the cavity 8. As discussed during the interview, when power is supplied to the heating element of the Ansell patent the material forming the cavity 8 and the flaps 4 adjacent the heating element 5 would melt, so that such "fastener" would not be able to prevent substantial movement of the heating element during the supply of power to the heating element, as recited in amended independent claim 1.

Therefore, the Ansell patent does not disclose nor render obvious the features of Applicant's invention recited in amended independent claim 1. Since the Ansell patent does not disclose, teach, or suggest the limitations in amended independent claim 1, Applicant submits that claim 1 is allowable.

Claims 3 - 10 and 73 - 75, being dependent upon independent claim 1, respectively, are also allowable for the above reasons.

#### **CLAIMS OBJECTED TO**

Claims 2 and 76 are indicated as being allowable if rewritten in independent form including all the limitations of claim 1 and any intervening claims. However, since claim 1 has been amended to distinguish the Ansell patent, claims 2 and 76, which are dependent from claim 1, are allowable in their present form.

#### **NEW CLAIMS**

Claims 86 and 87 are newly added. Claim 86 recites that the at least one fastener is made of a material different from that of the meltable member. Support for the amendment to claim 86 is found in paragraphs [0033] and [0038]. Claim 87 recites that the at least one fastener is metallic and that the meltable member is made of a thermoplastic material. Support for the amendment to claim 87 is found in paragraphs [0033] and [0038]. Since both claims 86 and 87 depend from independent claim 1, which has been recited to distinguish the Ansell patent, claims 86 and 87 are allowable.

#### **Allowable Subject Matter**

Claims 17 - 34, 45 - 51 and 77 - 85 are indicated as being allowable over the cited prior art of record.

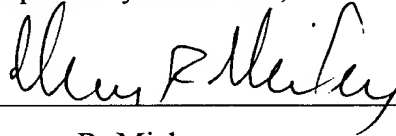
Application No. 09/935,337  
Amendment Dated March 30, 2004  
Reply to Office Action of January 30, 2004

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PTO Form 413 included with the January 30, 2004 Office Action relates to a telephone interview conducted between Examiner Jeffery and Attorney Mickney on January 29, 2004. To clarify the record, the sentence on lines 2 -3 of the continuation sheet to PTO Form 413 states "Mr. McKinney notified the examiner and indicated that the final office action mailed Nov. 18, 2003 had not been received". Such sentence should be modified to read "Mr. Mickney notified the examiner and indicated that although the final office action mailed Nov. 18, 2003 had been docketed by the firm's docketing staff, neither of the responsible attorneys for this application had received the office action". It is noted that the mailed copy of the Nov. 18, 2003 Office Action still has not been located.

In view of the foregoing comments, Applicant respectfully submits that claims 1 – 10, 17 – 34, 45 – 51 and 73 - 87 are allowable over the cited patents. Prompt and favorable action is solicited.

Respectfully Submitted,



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